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NO. 83-1957

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1983

BRIGGS & STRATTON CORPORATION,
a Delaware corporation, and
MICHAEL HAMILTON,

Petitioners,

v.

MALCOLM BALDRIGE, Secretary of
the United States Department of
Commerce et al.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

REPLY BRIEF OF PETITIONERS

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In the one paragraph of the Respondents' brief in opposition, which addresses the factual foundation of the Briggs & Stratton Petition for Certiorari,

the Respondents grossly mischaracterize the stipulated facts. Respondents' brief at page 12 states that Petitioners (Briggs & Stratton) suggest that they cannot have the requisite intent to further the boycott because their answers to the questionnaire will prompt the boycotting nations to continue to do business with them, thus limiting the impact of the boycott. That characterization of Briggs & Stratton's factual position is false. Briggs & Stratton's position is that as a component supplier to customers who standardize on Briggs' components, failure to answer causes impacts on the customers, which expands and aids the boycott, while answering, which only incidentally avoids the boycott for Petitioners' products, has the main effect of permitting Petitioners to

continue to supply customers outside the boycotting countries and thereby restricts and limits the impact of the boycott.

Although the Respondents acknowledge that "the nature of the request for information and the context in which the information is sought, are relevant to the question of intent" (Respondents' brief, p. 13), the mischaracterization of the stipulated facts, which facts give meaning rather than mere lip service to the legal principles applicable in this case, is inexcusable. An analysis of the stipulated facts in "the context in which the information is sought" can lead only to the conclusion that the intent requisite for a violation of the statute cannot exist in this case. The stipulated facts with respect to Briggs &

Stratton, ignored by the courts below and mischaracterized by the Respondents here, establish the lack of intent necessary for a violation of the statute.

The Petition for Certiorari should be granted.

Respectfully submitted,

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